

26116. Adulteration of acetanilid, caffeine alkaloid, and soda bicarbonate capsules. U. S. v. Homer A. Hall. Plea of guilty. Fine, \$25. Execution of sentence suspended. (F. & D. no. 28115. I. S. no. 42648.)

This case involved drug capsules that differed from the standard of strength and purity under which they were sold.

On October 21, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against Homer A. Hall, trading as Hall's Pharmacy, Washington, D. C., alleging that on or about November 2, 1931, the defendant sold in the District of Columbia a quantity of acetanilid, caffeine alkaloid, and soda bicarbonate capsules which were adulterated.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the article was represented to consist of 12 capsules composed in part of 6 grains of caffeine alkaloid; whereas the said capsules were composed in part of more than 6 grains of caffeine alkaloid.

On November 6, 1935, the defendant entered a plea of guilty, and the court imposed a fine of \$25 but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26117. Misbranding of Bartel's Canary Wash. U. S. v. The Shellgram Co. Plea of guilty. Fine, \$30. (F. & D. no. 32915. Sample no. 67281-A.)

This case involved a product the labeling of which bore false and fraudulent curative and therapeutic claims.

On September 7, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shellgram Co., a corporation of Newark, N. J., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about November 14, 1933, from the State of New Jersey into the State of New York of a quantity of Bartel's Canary Wash that was misbranded.

Analysis showed that the article consisted of oxyquinoline sulphate, glycerin, water, and small amounts of pink coloring matter and perfume.

The article was alleged to be misbranded in that the following statements borne on the label regarding its curative or therapeutic effects were false and fraudulent: (Bottle) "To allay itching and pulling of feathers * * * For skin diseases on dogs * * * For cuts, scratches and old sores * * * Use this wash on birds, fowl, animals wherever the skin is sore or broken"; (carton) "This wash is to be applied wherever the skin is broken or sore as a prevention against infection. Apply it to sores liberally * * * It should be used immediately for sores of all kinds."

The information further charged that the article was misbranded in violation of the Insecticide Act of 1910, reported in notices of judgment published under that act.

On October 11, 1934, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$30 for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26118. Misbranding of Dia-Bet. U. S. v. Dia-Bet Laboratories Corporation, and George M. Wolpe and Samuel R. Turner. Pleas of guilty. Fine, \$200 each as to the Dia-Bet Laboratories and Samuel R. Turner. Sentence deferred as to George M. Wolpe. (F. & D. no. 34037. Sample no. 19760-B.)

This case involved an interstate shipment of Dia-Bet, the package label of which and an accompanying circular bore and contained false and fraudulent statements regarding the curative or therapeutic effect of the article when used as a treatment for diabetes.

On September 21, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Dia-Bet Laboratories Corporation, and George M. Wolpe and Samuel R. Turner, Detroit, Mich., charging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about September 25, 1934, from the State of Michigan into the State of Ohio of a quantity of an article labeled "Dia-Bet", that was misbranded.

Analysis showed that the article consisted essentially of water with small amounts of sodium benzoate and plant extractives.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effect, borne on the label of the packages and contained